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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/998,302 12/24/97 STANFIELD

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EXAMINER

LM02/0728

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ART UNIT

PAPER NUMBER

2735

DATE MAILED:

07/28/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/998,302

Applicant(s)
Stanfield

Examiner
Brian Zimmerman

Group Art Unit
2735



☒ Responsive to communication(s) filed on 2/4/99 and 10/13/98

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-63 is/are pending in the application.

Of the above, claim(s) 1-33 and 39-63 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 34-38 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 2-6,23-33, drawn to addressable humanly perceptible **alerting** mechanism in a file locating system, classified in class 340, subclass 825.52.
 - II. Claims 7-10,19,61,62, drawn to **network configuration** in a file locating system, classified in class 340, subclass 825.08.
 - III. Claims 11-13,39-41, drawn to the **structure** of a file folder in a file locator system, classified in class 340, subclass 693.
 - IV. Claims 14-18,20-22,53-60,63 drawn to a **retainer** in a file locator system, classified in class 340, subclass 825.49.
 - V. Claims 42-52, drawn to **database storage** in a file locator system, classified in class 364, subclass 401.
 - VI. Claims 34-38, drawn to a **conductor arrangement** on files to be located, classified in class 340 subclass 825.54.
2. Claim 1 will be examined with either of groups I-III. Due to the lack of burden at this time a species election is not required between the species of retainers claimed, however if burden can be established at a future time, such an election may be required.

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3. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional subcombinations which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected subcombination. MPEP § 809.02(a).

Following is a chart which shows the claims that will be examined based upon the election of a specific group.

Group Elected	Claims Examined
I	1-6,23-33
II	1,7-10,19,61,62
III	1,11-13,39-41
IV	14-18,20-22,52,55-60,63
V	43-52
VI	34-38

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Since the applicant has **already elected** (paper number 7, of 7/6/98) what is equivalent to Group VI, claims 34-38, this elected invention will be constructively elected for treatment on the merits.

4. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as leading a human to the location of the folder. See MPEP § 806.05(d).

locating
a vehicle

or polling
cable boxes

5. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as locating a file using over the air signaling. See MPEP § 806.05(d).

6. Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as locating a loose folder not physically connected to another element. See MPEP § 806.05(d).

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7. Inventions I and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as locating or indicating to a human, the location of a file. See MPEP § 806.05(d).

8. Inventions I and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as locating or indicating to a human with over the air signals. See MPEP § 806.05(d).

9. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as reading information from a storage media on the file (equal to the files contents). See MPEP § 806.05(d).

10. Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility

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such as writing data to a storage media on the file from a stand alone data writer. See MPEP § 806.05(d).

11. Inventions II and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as monitoring who has worked on a particular file. See MPEP § 806.05(d).

12. Inventions II and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as interacting file information to provide data about the file to various locations on a LAN. See MPEP § 806.05(d).

13. Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as connecting file electronics to a data writer for storing information on a file. See MPEP § 806.05(d).

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14. Inventions III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as connecting file electronics to a data writer for storing information on an electronic portion of a file. See MPEP § 806.05(d).

15. Inventions III and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as connecting file electronics to a data writer for storing information on an electronic portion of a file. See MPEP § 806.05(d).

16. Inventions IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as store files requiring power to maintain data. See MPEP § 806.05(d).

17. Inventions IV and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if

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they are shown to be separately usable. In the instant case, invention IV has separate utility such as store files requiring power to maintain data. See MPEP § 806.05(d).

18. Inventions V and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as providing information on who has had the file last. See MPEP § 806.05(d).

19. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

20. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II-VI, restriction for examination purposes as indicated is proper.

21. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Groups I, III, IV, V or VI, restriction for examination purposes as indicated is proper.

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22. Because these inventions are distinct for the reasons given above and the search required for Group III is not required for Group I,II,IV,V,VI, restriction for examination purposes as indicated is proper.

23. Because these inventions are distinct for the reasons given above and the search required for Group IV is not required for Group I-III,V,VI, restriction for examination purposes as indicated is proper.

24. Because these inventions are distinct for the reasons given above and the search required for Group V is not required for Group I-IV,VI, restriction for examination purposes as indicated is proper.

25. Because these inventions are distinct for the reasons given above and the search required for Group VI is not required for Group I-V, restriction for examination purposes as indicated is proper.

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REJECTION

26. All Double Patenting rejections based upon Patent 5751221 have been overcome by the filing of a Terminal Disclaimer, which is now of record.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

27. Claims 34-38 are rejected under 35 U.S.C. § 103 as being unpatentable over Smith (5455409) and Kott (4376936).

Smith shows a file tracking system in which a processor is connected to a bus which is connected to a folder retainer 12. the processor sends information to a folder such that a indicator displays the location of the folder to a user requesting to know the location of the folder. Smith discloses that the use of a data base to maintain the location information is an alternative to the distributed database system. It is pointed out that Smith does in fact disclose the use of a central database in a file retrieval system, however Smith chooses not to utilize such a database. See abstract. From this suggestion, the skilled artisan would reliably be able to efficiently update and manage a database of information.

In an analogous art, Kott shows a filed folder which is addressed by a conductive bus. The folder includes an address, a comparator and a light indicator to

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assist the user in locating the file. The examiner takes official notice that the use of a transistor to operate a light indicator in the manner claimed is verily common in the art, to isolate the lamp/light from the switch. The filed includes conductors on the file folder configured to couple the folder to a retainer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the folder of Kott to store documents information in a filing system which can communicate to the folders in the manner suggested by Kott since such would provide the cheap communication with the file.

REMARKS


Response to Arguments.

The following discussion is introduced in direct response to the arguments presented in the instant amendment:

It is noted that the above rejection is based upon the following interpretation of the claims. The limitation "when the file folder is positioned in **any one of** several different positions" is fairly interpreted as a file folder is in communication when the file folder is in one position. This is fairly taught by the reference Kott.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Zimmerman whose telephone number is (703) 305-4796.



**BRIAN ZIMMERMAN
PRIMARY EXAMINER**

BaZ

July 27, 1999